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*Attorneys for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products
Liability Litigation

No. 2:15-MD-02641-DGC

DORIS JONES and ALFRED JONES, a
married couple,

Plaintiffs,

v.

C.R. BARD, INC., a New Jersey
corporation and BARD PERIPHERAL
VASCULAR, an Arizona corporation,

Defendants.

**JOINT NOTICE OF LODGING
PROPOSED CHANGES TO BOOKER
JURY QUESTIONNAIRE FOR JONES V.
BARD**

(Assigned to the Honorable David G.
Campbell)

1 Pursuant to the Court's order dated March 2, 2018 (Doc. 10324), the parties submit
2 their proposed modifications to the Booker juror questionnaire for the *Jones v. Bard*
3 bellwether trial. Those changes are shown in the attached Track Changes version of the
4 Court's questionnaire in *Booker*. Those changes that are not highlighted are agreed to by
5 the parties. The two highlighted changes are proposed by Plaintiffs and objected to by
6 Defendants.

7 With respect to the first objected to addition ("Would you have a difficult time
8 finding a product defective if the FDA allowed the product to be marketed by a medical
9 device company?"), Plaintiffs submit that this question will better allow the parties to
10 assess whether the prospective juror may harbor bias or prejudgment against Plaintiffs'
11 claims on the basis of FDA clearance of the subject filter. Defendants object on the basis
12 that the proposed question attempts to pre-condition jurors to a particular result. Plaintiffs
13 respond that the question merely fleshes out a response to an important question that can
14 be further explored in *voir dire* by the Court and counsel.

15 With respect to the second objected to addition (adding "punitive damages" to
16 question 35), Plaintiffs submit that punitive damages is an important issue in the trial and
17 one that persons have wide-ranging and often emotionally charged feelings about
18 ("runaway verdicts", tort reform, etc.). Defendants believe that punitive damages is not a
19 subject appropriate for *voir dire*. Specifically, Defendants submit that the reference, at the
20 outset of the case, implies that Plaintiff is entitled to an award of punitive damages.

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RESPECTFULLY SUBMITTED this 8th day of March, 2018.

GALLAGHER & KENNEDY, P.A.

SNELL & WILMER L.L.P.

By: /s/ Mark O'Connor

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of March, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Jessica Gallentine

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